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C O N F I D E N T I A L SECTION 01 OF 03 SHENYANG 000150

SIPDIS

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TAGS: [ELAB](#) [PHUM](#) [PINR](#) [PINS](#) [SOCI](#) [CH](#) [SPILL](#)
SUBJECT: YAO FUXIN'S LABOR PAINS: LABOR LEADER'S
SCRUTINY, ILL HEALTH AND A LAWSUIT

REF: A. 08 SHENYANG 00003
[1](#)B. 07 SHENYANG 00095
[1](#)C. SHENYANG 00130

Classified By: Consul General Stephen B. Wickman Reasons 1.4 b/d

[1](#)1. (C) Summary. The family of labor activist Yao Fuxin, who was released from prison in March 2009, is still subject to restrictions on travel and very close scrutiny of all of their actions, according to the activist's daughter Yao Dan, who has reported to us periodically (Ref A and B). Mr. Yao's health is failing and he has received no help from the Chinese government to get the treatment he needs. A chance meeting with Mr. Yao confirmed his ill health, his fight for justice against the ill treatment he says he suffered in prison, and the continuing influence he has in his run-down neighborhood of Liaoyang. Yao's daughter believes the recent Tonghua unrest (Ref C) in Jilin Province has the same root causes as the factory closure that led to her father's struggle earlier in the decade--the disappearance of China's social safety net, corruption, and unresponsive authorities. She seeks help verifying whether her father has received a human rights award from Switzerland. End Summary.

[1](#)2. (C) On August 5, after dropping off his daughter from a prearranged interview, Pol/Econ Chief unexpectedly met briefly with Yao Fuxin, the Liaoning labor leader who served a seven-year jail term for subversion of state power after leading a protest by workers upset by the forced closure and restructuring of their Ferro-Alloy Plant in Liaoyang, Liaoning Province. Quite agitated, Mr. Yao immediately launched into a comparison of U.S. and Chinese treatment of prisoners. He surmised that the cruelties alleged to have occurred at the U.S. detention center in Guantanamo were unique occurrences in the sensitive post-9/11 environment but that in China, such maltreatment against prisoners is common practice at all police stations. Yao's face reddened, his voice rose, and he began to pace about the small room as he recounted in detail the mistreatment he said he received under police custody during his arrest and while he was awaiting trial. After calming down, Mr. Yao explained that he has sued the Liaoyang city government for the removal of the policeman who perpetrated these acts of cruelty against him and provided us a copy of the court documents.

Growing Pressure, Failing Health

[1](#)3. (C) Yao Fuxin said that as the 60th anniversary of the founding of the PRC approaches, he and his family have been

subject to more surveillance than usual. He expressed his concern that his hypertension and cardiac ailments, which he says started after his arrest, will go untreated. Mr. Yao says that with no pension, no social security insurance, and no medical insurance, he has no way to get the treatment owed to him and that he is unwilling to 'give money to Chinese system.' According to Yao Dan, Mr. Yao's daughter and intermittent contact of the consulate (Ref A and B), Mr. Yao has nearly fainted three or four times since his release. Neither she nor her mother can convince him to seek medical attention and do not have the means to pay for what they believe would be daily treatments. Currently, the family's small grocery store and Yao's wife's pension are their primary sources of income. Yao Dan works as a sales clerk at a friend's garment store, but she says her income has been unstable, particularly during the financial crisis.

"A 'Free' Ride Home"

¶4. (SBU) As an example of the scrutiny facing the family, Yao Dan recounted her father's failed attempts to meet with his lawyer, famed civil rights attorney, Mo Shaoping, in Beijing. According to the daughter, a police prohibition against Mr. Yao's travel outside of Liaoyang took effect immediately upon his release from prison in March. Late that month, Mr. Yao twice attempted to travel to Beijing to meet with his attorney. Both attempts failed when local police intercepted him on the train before he got to

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Beijing and offered him a ride home. In April, Mr. Yao successfully reached Beijing when a friend drove him to the neighboring city of Anshan, where he boarded a train. However, a few days after his arrival in Beijing, Liaoyang police located him in the capital and once again escorted him back to his home.

¶5. (C) Yao Dan said the escorts or "watching police" never once used physical force or violence during these interceptions. She believes that most of the local police officers are ordinary citizens who know what happened to her father and who are sympathetic. Some of them even have relatives who suffered the same misery that the employees of the Ferro-Alloy Plant went through. She said these officers fully understand why Mr. Yao and his fellow workers protested. Some police officers even allowed the family to go to neighboring cities only to be "located" and given "a free ride home," as Yao Dan calls it.

Lawsuits and Counter Lawsuits

¶6. (C) According to Yao Dan, the police had threatened to sue Yao Fuxin for violating the traveling restrictions. Mo Shaoping, Yao's lawyer, argued that although the police were technically within their rights to sue Mr. Yao for the violation, they should take into consideration the social consequences that may follow any such action. After some consideration, the Liaoyang police apparently have decided not to sue Yao Fuxin. In April 2009, however, Mr. Yao himself sued the Liaoyang Procuratorate to protest the maltreatment he suffered at the Liaoyang City detention center. According to Yao's account and petition prepared by his attorney, during the time of his initial arrest in 2002, police officers at the detention center repeatedly beat and/or whipped him and the other prisoners, left his cell window open in the freezing cold in order to cause severe physical stress that resulted in chilblains, denied him food, and often deprived him of sleep. When attorney Mo Shaoping met with Yao before the court proceedings, Mo found that Mr. Yao was unable to think or talk clearly and had had not slept for a week or more. The Liaoyang

Procuratorate has yet to respond to the petition, and Mr. Yao believes that the Procuratorate is intentionally delaying the response so that Yao will not be able to take his petition to the provincial appellate court.

Influence on Local Events

¶7. (SBU) According to Yao Dan, her father is still influential among the workers of the Ferro-Alloy Plant. In March, within days of being released from prison, he called on the workers to petition for not receiving their annual one-child-policy awards (about RMB 2,000). Local government took quick action and issued the award to the workers on March 18.

Tonghua Protests: Root Cause the Same, Methods Vastly Different

¶8. (C) In response to our query, Yao Dan said she had heard about the recent incident in Tonghua, Jilin Province (Ref C) though she is unsure whether her father knows about it because he has never mentioned Tonghua. According to Ms. Yao, even though the protests in Tonghua and Liaoyang were both against corruption in the restructuring of state-owned enterprises (SOEs), there were notable differences in the methods used by the protesters. The 2002 protests in Liaoyang were well-organized and peaceful, and she proudly states that her father and his fellow workers had thoroughly prepared for months. They collected evidence of the corruption during the restructuring of the Ferro-Alloy plant and reported this evidence to higher authorities in some detail. The workers in Liaoyang had a clear organizational chart dividing their units into management liaison, propaganda and information dissemination, and security. In contrast, according to Ms. Yao, the Tonghua incident was not well organized, the workers acted radically -- more like an uprising than a protest -- and

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they killed the general manager. She later noted with some sadness that the end results were different in both cases, too, but declined to discuss her opinions further.

Request for Assistance

¶9. (SBU) Yao Dan has heard that her father won a human rights award in Switzerland in 2008. Police are investigating and have asked her about it as have members of the foreign press. Neither she nor her father has any information about this. She asks that we verify the information, as she has no way to do so. Post would appreciate any information Washington agencies might have on this award or how we might follow up.

WICKMAN